

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>IN RE:</b>	:	
<b>EDMUND S. JACHIM</b>	:	
<b>T/A JORDAN CONSULTING</b>	:	<b>Bk. No. 09-22092 REF</b>
<b>A/K/A EDMUND JACHIM</b>	:	
<b>A/K/A EDMUND S. JACHIM, JR.</b>	:	<b>Chapter No. 07</b>
<b>Debtor</b>	:	
	:	
<b>WELLS FARGO BANK, N.A. F/K/A WELLS</b>	:	
<b>FARGO HOME MORTGAGE, INC.</b>	:	
	:	<b>11 U.S.C. §362</b>
<b>Movant</b>	:	
<b>v.</b>	:	
	:	
<b>EDMUND S. JACHIM</b>	:	
<b>T/A JORDAN CONSULTING</b>	:	
<b>A/K/A EDMUND JACHIM</b>	:	
<b>A/K/A EDMUND S. JACHIM, JR.</b>	:	
	:	
<b>and</b>	:	
	:	
<b>MARY T. MARTIN, ESQUIRE (TRUSTEE)</b>	:	
<b>Respondents</b>	:	

**MOTION OF WELLS FARGO BANK, N.A. F/K/A WELLS FARGO HOME  
MORTGAGE, INC. FOR RELIEF FROM AUTOMATIC STAY UNDER §362  
PURSUANT TO BANKRUPTCY PROCEDURE RULE 4001**

Movant, by its attorneys, PHELAN HALLINAN & SCHMIEG, LLP, hereby requests a termination of Automatic Stay and leave to foreclose on its mortgage on real property owned by Debtor EDMUND S. JACHIM T/A JORDAN CONSULTING A/K/A EDMUND JACHIM A/K/A EDMUND S. JACHIM, JR..

1. Movant is **WELLS FARGO BANK, N.A. F/K/A WELLS FARGO HOME MORTGAGE, INC..**

2. Debtor, EDMUND S. JACHIM T/A JORDAN CONSULTING A/K/A EDMUND JACHIM A/K/A EDMUND S. JACHIM, JR. is the owner **4334 CREEK ROAD, ALLENTOWN, PA 18104**, hereinafter known as the mortgaged premises.

3. Movant is the holder of a mortgage on the mortgaged premises.

4. Movant wishes to institute foreclosure proceedings on the mortgage because of Debtor's failure to make the monthly payment required hereunder.

5. Debtor is the owner in default of mortgage from July 1, 2009 to the present date.

6. The principal balance owed on the loan as of the date the bankruptcy was filed is \$165,397.35.

7. Interest in the amount of \$2,591.98 has accrued since the application of the last payment received from the Debtor. The per diem interest since the date of filing is \$29.45.

8. In addition, the following charges, fees, and costs have been added to the balance of the loan and are due and owing to Movant: Accrued Late Charges in the amount of \$105.35.

9. The payoff due on the mortgage is \$168,094.68.

10. Debtor has failed to tender payments for the months of July 2009 through August 2009. The monthly payments for the months of July 2009 through August 2009 are \$1,635.20 per month, plus accrued late charges in the amount of \$105.35. The next payment is due on or before September 1, 2009 in the amount of \$1,635.20.

11. As of the date of this Motion, the amount necessary to reinstate the account is \$3,375.75.

12. Movant has cause to have the Automatic Stay terminated as to permit Movant to foreclose on its mortgage.

13. Respondent, MARY T. MARTIN, Esquire, is the Trustee appointed by the Honorable Court.

14. Rule 4001 (a)(3) should not be applicable and **WELLS FARGO BANK, N.A. F/K/A WELLS FARGO HOME MORTGAGE, INC.** should be allowed to immediately enforce and implement the Order granting relief from the automatic stay.

**WHEREFORE**, Movant respectfully requests that this Court enter an Order;

a. modifying the Automatic Stay under §362 with respect to the mortgaged premises as to permit Movant to foreclose on its mortgage and allow Movant or any other purchaser at Sheriff's Sale to take any legal or consensual action for enforcement of its right to possession of, or title to, said premises and for legal fees and costs incurred with regard to this Motion; and

b. that Rule 4001(a)(3) is not applicable and **WELLS FARGO BANK, N.A. F/K/A WELLS FARGO HOME MORTGAGE, INC.** may immediately enforce and implement the Order granting relief from the automatic stay; and

c. any other relief that this Court deems equitable and just.

/s/ Andrew L. Spivack, ESQUIRE  
PHELAN HALLINAN & SCHMIEG, LLP  
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Dated: August 28, 2009